

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2923 of 2025

Arising Out of PS. Case No.-155 Year-2016 Thana- AMAS District- Gaya

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1. Akhtar khan S/o Mokhtar Khan R/o Vill- Wahidganj (Sihuli), P.S.- Amas, Distt- Gaya
 2. Jakir Khan S/o Mokhtar Khan R/o Vill- Wahidganj (Sihuli), P.S.- Amas, Distt- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Dev Kumar Devi W/o Indradeo Rikiyasan R/o Vill- Bankat (Tarpar), P.S.- Amas, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aryan Singh
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 05-05-2026 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 04.06.2025 in A.B.P. No.142/2025 passed by the learned Exclusive Special Judge S.C./S.T. Act, Gaya in connection with Amas P.S. Case No.155/2016 registered for the offences punishable under Sections 341, 323, 354, 504, 506 and



34 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that her husband works as a labour for Jakir Khan, her husband was ill, hence she went to the house of Jakir and demanded wages of her husband, when Jakir abused and assaulted by fist, thereafter Chhotan, Laddan and Akhtar came and assaulted her husband, further alleges that the accused persons at 6 A.M. had assaulted Rajesh and Chhotan and forcibly took them for getting the work of labour done.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that informant alleges that she had gone to the house of appellants seeking wages of her husband but then from perusal of the allegations, as alleged in the FIR, it would manifest that informant also alleges that accused persons assaulted her husband, it is thus submitted that if the husband of the informant was also present in the house of appellants, then where was the occasion for the informant to seek wages. It is also submitted that even presuming what has been alleged is true without admitting then the entire occurrence



took place at the house of appellants, hence was not in public view. It is next submitted that police during the course of investigation gave notice under section 41(A) of the Cr.P.C. to the appellants and the appellants cooperated in the investigation and police never felt the need of arresting the appellants but then charge sheet came to be submitted, based on which, cognizance came to be taken, hence appellants apprehend arrest. It is fairly submitted that since cognizance has been taken hence a prima facie case is made out but then nature of allegation as alleged in the FIR cannot be ignored.

5. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellants but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that entire occurrence took place at the house of the appellants and thus was not in public view.

6. After hearing the learned counsel for the parties, the Court was inclined to grant the privilege of anticipatory bail to the appellants but since cognizance has been taken as such the appellants are directed to surrender before the learned trial court on 14.05.2026, in the event, if the appellants surrender before



the learned trial court on 14.05.2026, in that event, the learned trial court shall consider and dispose of the case on the same day keeping in mind the fact that police during the course of investigation had given notice under Section 41(A) of the Cr.P.C. and never felt the need of arresting the appellants and in the nature of allegation, prima facie no offence under the SC/ST Act is made out, as the occurrence is alleged to have been committed at the house of appellants.

7. The appeal stands disposed of.

(Satyavrat Verma, J)

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